

GREATER ACCESS TO CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

OCTOBER 1, 1998.—Ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government Reform and Oversight, submitted the following

R E P O R T

[To accompany H.R. 4280]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom was referred the bill (H.R. 4280) to provide for greater access to child care services for Federal employees, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
At the end of the bill, add the following:

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CHILD CARE FACILITY.—The term “accredited child care facility” means—

(A) a facility that is accredited, by a child care accreditation entity, as defined in paragraph (2);

(B) a facility that is used as a Head Start center under the Head Start Act (42 U.S.C. 9831 et seq.) and is in compliance with any applicable performance standards established by regulation under such Act for Head Start programs; or

(C) an armed forces child development facility that is in compliance with any applicable performance standards established by regulation, rule, or military order.

(2) **CHILD CARE ACCREDITATION ENTITY.**—The term “child care accreditation entity” means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization which serves as a peer review panel for the standards and procedures of public and private childcare or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) **STATE.**—The term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

### **SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.**

(a) **DEFINITION.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **ENTITY SPONSORING A CHILD CARE FACILITY.**—The term “entity sponsoring a child care facility” means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care center primarily for the use of Federal employees.

(3) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (4)(B).

(4) **EXECUTIVE FACILITY.**—The term “executive facility”—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(5) **FEDERAL AGENCY.**—The term “Federal agency” means an Executive agency, a judicial office, or a legislative office.

(6) **JUDICIAL FACILITY.**—The term “judicial facility” means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (4)(B)).

(7) **JUDICIAL OFFICE.**—The term “judicial office” means an entity of the judicial branch of the Federal Government.

(8) **LEGISLATIVE FACILITY.**—The term “legislative facility” means a facility that is owned or leased by a legislative office.

(9) **LEGISLATIVE OFFICE.**—The term “legislative office” means an entity of the legislative branch of the Federal Government.

(b) **EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.**—

(1) **STATE AND LOCAL LICENSING REQUIREMENTS.**—

(A) **IN GENERAL.**—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with childcare standards that minimally encompass State or local licensing requirements related to the provision of child care in that geographic area; or

(ii) obtain the appropriate State or local licenses for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the operation of such a child care center shall include a condition that the child care be provided by an entity that complies with the appropriate State or local licensing requirements related to the provision of child care.

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care facilities, and entities sponsoring child care facilities, in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care center (as defined by the Administrator) in an executive facility to comply with child care accreditation standards as identified in section 2(2)(A).

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), of child care facilities, and entities sponsoring child care services, in executive facilities. The Administrator may conduct the evaluation of such a child care center or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of non-compliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care center is the agency—

(I) no later than 2 business days after the date of receipt of the notification correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the center and bring the center and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the center and employees of the center with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for a period of 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an on-site evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of

receipt of the notification, close the facility or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee no later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the center and bring the center and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiency is corrected, whichever is later;

(IV) require the contractor or licensee to bring the facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an on-site evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the facility or the affected portion of the facility until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each Executive agency that operates a child care facility, and each entity that enters into a contract or licensing agreement with an Executive agency to operate a child care facility, upon receipt by the facility or the agency or entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom there has been submitted an application to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under paragraph (4)(B) (i)(III) or (ii)(III), as applicable; and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—The Chief Administrative Officer of the House shall issue regulations approved by the Committee on House Oversight of the House of Representatives governing the operation of the House of Representatives Child Care Center, the Librarian of Congress shall issue regulations, approved by the appropriate House and Senate Committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Those regulations shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative offices, with the approval of the appropriate House and Senate Committees with oversight responsibility for centers, may jointly or independently determine, for good

cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care services, in legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ARCHITECT OF THE CAPITOL.—The Chief Administrative Officer of the House, Librarian of Congress, and designated entity in the Senate shall have the same authorities and duties with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care services, in legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such services, in executive facilities.

(B) HEAD OF A LEGISLATIVE OFFICE.—The Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care services, in legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such services, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes rules and regulations governing the operation of the Senate Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care centers in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House, the appropriate entity in the Senate, and the Librarian of Congress, may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for legislative offices and judicial offices, respectively, and entities operating child care centers in legislative facilities and judicial facilities, respectively, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of all Executive agencies described in subsection (e), a representative of the Chief Administrative Officer of the House, the appropriate Senate entity, and the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

**SEC. 4. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.**

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ON-SITE CONTRACTORS; PERCENTAGE GOAL.—Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

“(2) such officer or agency determines that such space will be used to provide child care and related services to children of Federal employees or on-site Federal contractors, or dependent children who live with Federal employees or on-site Federal contractors; and

“(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and on-site Federal contractors.”; and

(2) by adding at the end the following:

“(e)(1) The Administrator of General Services must confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or on-site Federal contractors, or dependent children who live with Federal employees or on-site Federal contractors. Each provider of child care services at an individual Federal child care center shall maintain this percentage as a goal for enrollment at the center. If enrollment at a center drops below the goal, the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. This plan must be approved by the Administrator of General Services based on its compliance with standards established by the Administrator, and its effect on achieving the aggregate Federal enrollment percentage goal.

“(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.”.

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

“(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.”.

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

“(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with one or more private entities under which such private entities would assist in defraying the general operating expenses of the child care provider including, but not limited to, salaries and tuition assistance programs at the facility.

“(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the criteria of subsection (a), the agency or the Administrator may enter into an agreement with an existing non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

“(B) Prior to entering into an agreement, the head of the Federal agency must determine that child care services to be provided through the agreement are more cost effectively provided through this arrangement than through establishment of a Federal child care facility.

“(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

“(3) This subsection does not apply to residential child care programs.”.

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

“(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for up to 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination must be made by the agency head that initiating the pilot project would be more cost effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

“(2) The Administrator of General Services shall serve as an information clearing-house for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

“(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.”.

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

“(g) All existing and newly hired workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check as defined in 42 U.S.C. 13401.”.

#### **SEC. 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES.**

The head of each Federal agency shall require that each child care facility first operated after the one-year period beginning on the date of the enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast fed infants and their mothers, including by providing a lactation area or a room for nursing mothers as part of the operating plan for the center.

### **I. SHORT SUMMARY OF LEGISLATION**

This legislation would authorize federal agencies to use funds appropriated for federal employees’ salaries and expenses to help federal employees pay for child care. Federal agencies that either operate, or contract for operation of, a child care center in a facility owned or leased by an executive agency are required to obtain the appropriate State and local licenses and comply with child care licensing requirements. All federal child care centers must become free from lead paint.

### **II. BACKGROUND AND NEED FOR THE LEGISLATION**

Many agencies offer child care centers which are located at or near the worksite and provide group care. The Federal Government leads the nation in the number of employer-sponsored child care centers. There are about 850 such centers for Department of Defense (DoD) military and civilian employees and more than 230 centers for non-DoD employees. This compares to about 1,400 total centers sponsored by all private employees. Even with all these centers, many employees—in both the private and Federal sectors—continue to find child care inaccessible both because of the long waiting lists at many centers and because the costs exceed their means.

The Military Child Care Act of 1989 authorized DoD to use set amounts of appropriated funds to fund all aspects of child care centers for DoD military and civilian families. DoD agencies can subsidize child care centers and child care homes. The use of appropriated funds by other agencies to subsidize child care is severely restricted by law.

These other agencies also need the same flexibility that private enterprises and DoD have to address the particular needs of their workforces. H.R. 4280 therefore permits federal agencies to use appropriated funds available for the payment of salaries to provide child care services for the civilian employees of the agency in a Federal or leased facility or through contract. These payments may

be applied to any expenses incurred by the providers. Appropriated funds provided to facilities or contractors must be used to make child care more affordable for lower income employees. This legislation would remove all limitations on the use of appropriated funds related to the allowable costs of child care centers.

As amended, this legislation requires all federal child care centers to comply with local and state health, fire, and safety codes in addition to obtaining accreditation. Because many federal employees use government-run child care centers, and because these facilities are housed in federal buildings, state and local authorities have little or no jurisdiction regarding health, fire, and safety codes. All federal centers will be responsible for meeting these basic regulations and obtaining accreditation. Those federal child care centers not in compliance with state and local codes would be held accountable. This legislation sets forth procedures to both prevent and to correct problems that occur as a result of bringing child care centers into compliance with state and local guidelines, and it requires all federal child care centers to become free of lead paint.

This bill will not lower the standards of those centers which currently exceed state and local codes, rather, it will raise the standards of those federal centers across the country that fall below the state and local standards. Some 200,000 children in over 1,000 federal child care centers will be positively affected by this legislation.

### III. LEGISLATIVE HEARINGS AND COMMITTEE ACTIONS

The Committee held no legislative hearings on H.R. 4280. Rep. Constance A. Morella introduced H.R. 4280 on July 21, 1998. The bill was referred to the Committee on Government Reform and Oversight. On July 23, 1998, the Committee on Government Reform and Oversight considered the bill. Rep. Benjamin A. Gilman offered an amendment to H.R. 4280. The amendment consisted of the text of H.R. 2982. Rep. Gilman's amendment passed by voice vote. Rep. Henry A. Waxman offered an amendment to Rep. Gilman's amendment. Rep. Waxman's amendment also was passed by voice vote. The Committee on Government Reform and Oversight passed H.R. 4280, as amended, by voice vote and ordered the bill to be reported to the House.

### IV. COMMITTEE HEARINGS AND WRITTEN TESTIMONY

The Committee did not hold any hearings related to this legislation.

### V. EXPLANATION OF THE BILL AS REPORTED: SECTION-BY-SECTION

#### SECTION 1. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES

Section 1(a) provides that any executive agency may use appropriated funds that would otherwise be available for salaries to provide child care for its civilian employees, either in a federal or leased facility or through contract.

Section 1(b) provides that such funds must be used to improve the affordability of child care for lower income employees.



Section 1(c) requires the Office of Personnel Management to issues implementing regulations for this section within 180 days of enactment.

Section 1(d) provides that, for purposes of this section, “executive agency” has the meaning provided in section 105 of title 5 of the U.S. Code, but does not include the General Accounting Office.

## SECTION 2. DEFINITIONS

Section 2 defines the following terms: “accredited child care facility,” “child care accreditation entity,” and “state.”

## SECTION 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES

Section 3(a) contains definitions of the following terms, for purposes of this section: “administrator,” “entity sponsoring a child care facility,” “executive agency,” “executive facility,” “federal agency,” “judicial facility,” “judicial office,” and “legislative office.”

Section 3(b) addresses standards and compliance with standards for executive branch child care programs.

Section 3(b)(1) provides that, within six months of enactment, programs must comply (or make substantial progress toward complying) with standards that, at a minimum, encompass state and local licensing requirements, and must obtain appropriate state and local licenses.

Section 3(b)(2) requires the Administrator of General Services to issue regulations establishing mandatory standards for executive branch child care governing health, safety, facilities, facility design, and other appropriate aspects, including requirements for inspection and elimination of lead hazards.

Section 3(b)(3) requires the Administrator to issue regulations requiring, to the maximum extent possible, compliance (or substantial progress toward compliance) with child care accreditation standards by executive branch child care programs within five years of enactment.

Section 3(b)(4) requires the Administrator to evaluate compliance with standards and regulations, and to notify the executive agency in cases of noncompliance. The executive agency must ensure that programs correct any deficiencies that are life-threatening or present a risk of serious bodily harm within 2 business days (or close the facility if such deficiencies cannot be corrected within 2 business days), and develop a plan to correct any other deficiencies within 4 months. Parents must be notified of deficiencies and plans to correct such deficiencies, and an on-site independent evaluation must determine whether the program is in compliance with all requirements. For child care programs that are not operated in General Services Administration facilities, the executive agency must reimburse the Administrator for costs of evaluating compliance with standards and regulations.

Section 3(b)(5) requires the Administrator to issue regulations requiring executive branch child care programs to provide information about past deficiencies and corrective actions, upon request, to parents of children enrolled in the program or for whom an application has been submitted.

Section 3(c) addresses standards and compliance with standards for legislative branch child care programs.

Section 3(c)(1) requires the Chief Administrative Officer of the House to issue regulations, approved by the Committee on House Oversight, governing the operation of the House of Representatives' child care center. The Librarian of Congress must issue regulations, approved by the appropriate congressional committees with jurisdiction over the Library of Congress, governing the operation of the Library of Congress's child care center. These regulations must be no less stringent than the standards and requirements established under Section 3(b) (1), (2), and (3), governing executive branch child care, unless a modification of such standards and requirements is determined by the relevant agencies and congressional committees to be more effective.

Section 3(c)(2) provides that the Chief Administrative Officer of the House, the Librarian of Congress, and the designated entity in the Senate will have the same authorities and duties regarding evaluation, compliance, and cost reimbursement for legislative branch child care as the Administrator of General Services has under section 3(b)(4) for executive branch child care. Likewise, the House Committee on House Oversight and the Senate Committee on Rules and Administration will have the same authorities and duties regarding compliance and cost reimbursement for legislative branch child care as an executive agency head has under section 3(b)(4) for executive branch child care.

Section 3(c)(3) provides that the Senate child care center shall maintain current accreditation status until the Senate Committee on Rules and Administration issues regulations governing its operation.

Section 3(d) requires the Administrator of General Services to delegate evaluation and compliance responsibilities to the head of an executive agency if eight or more child care facilities are sponsored in facilities owned or leased by the agency.

Section 3(e) authorizes the Administrator to provide technical assistance and conduct studies and reviews, on a reimbursable basis, to help entities sponsoring executive branch child care comply with this section. Likewise, the Chief Administrative Officer of the House, the appropriate entity in the Senate, and the Librarian of Congress also may provide technical assistance and conduct studies and reviews to help entities sponsoring child care in legislative and judicial facilities (or may request the Administrator to provide such technical assistance or conduct studies and reviews).

Section 3(f) requires the Administrator to establish an inter-agency council, consisting of executive agencies, the Chief Administrative Officer of the House, the appropriate entity in the Senate, and the Librarian of Congress, to share information on best practices and to develop and coordinate policy regarding provision of child care, including areas for nursing mothers and other lactation support facilities and services, in the federal government.

Section 3(g) authorizes \$900,000 to be appropriated in FY1999, and such sums as necessary in each subsequent fiscal year, for activities under this section.

SECTION 4. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE  
PROVIDED BY FEDERAL AGENCIES

Section 4(a) establishes that federal child care is available to children of on-site federal contractors or dependent children who live with on-site federal contractors; and it requires the Administrator to confirm that at least 50% of the aggregate enrollment in federal child care centers government wide are children of federal employees or on-site federal contractors, or dependent children who live with federal employees or on-site federal contractors. Such a percentage shall also be the enrollment goal at each individual child care center.

Section 4(b) authorizes an agency or the General Services Administration to pay accreditation fees, including renewal fees, for a federal child care facility to be accredited. In addition, the federal government may reimburse individuals for the costs of training, conferences and other expenses incurred in connection with accreditation.

Section 4(c) provides that federal child care programs may enter into agreements with private entities to help defray the general operating expenses of the child care provider. If a federal agency does not have a child care program, the agency or the Administrator may enter into an agreement with an existing, nonfederal, licensed and accredited child care facility (or a planned facility that will become licensed and accredited) to provide child care services for children of federal employees, if such services would be more cost effective than through establishment of a federal child care facility.

Section 4(d) authorizes a federal agency to conduct a pilot project for up to two years to test innovative approaches to providing alternative forms of quality child care assistance for federal employees. Such projects must be evaluated and results reported to the Administrator, who must share them with other federal agencies.

Section 4(e) requires that all existing and newly hired workers in any federal child care center must undergo a criminal history background check.

SECTION 5. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW  
FEDERAL CHILD CARE FACILITIES

Section 5 requires that federal child care facilities must provide reasonable accommodations for the needs of breast-fed infants and their mothers, including by providing a lactation area or a room for nursing mothers.

VI. COMPLIANCE WITH RULE XI

Pursuant to rule XI, clause 2(l)(3)(A) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from Committee oversight activities are incorporated in the bill and this report.

VII. BUDGET ANALYSIS AND PROJECTIONS

The budget analysis and projections required by section 308(a) of the Congressional Budget Act of 1974 are contained in the estimate of the Congressional Budget Office.

## VIII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

*H.R. 4280—A bill to provide greater access to child care services for federal employees*

Summary: H.R. 4280 would make numerous changes to the financing and regulation of child care services provided by the federal government for civilian employees. The legislation would allow federal agencies to use appropriated funds to pay a portion of the costs incurred by private operators of child care centers in federal facilities. The bill would require that such payments improve the affordability of care for lower-income federal employees. H.R. 4280 would also regulate the provision of child care in federal facilities, authorize alternative methods for providing child care in federal facilities, and require that agencies perform a background check on the criminal history of employees of day care centers located in federal facilities. For regulating child care in federal facilities the bill would authorize the appropriation of \$900,000 for fiscal year 1999 and such sums as are necessary for other years.

CBO estimates that implementing this bill would cost the federal government \$900,000 in fiscal year 1999 and as much as \$15 million in each of fiscal years 2000 through 2003, assuming appropriation of the necessary amounts. Because H.R. 4280 could affect direct spending, pay-as-you-go procedures would apply. CBO estimates, however, that any effect or direct spending would not be significant.

H.R. 4280 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not have any significant effects on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: CBO expects that agencies would spend the \$900,000 authorized for 1999 to implement the regulatory measures in the bill. In addition, we estimate that allowing agencies to subsidize the cost of private operations of day care centers in their facilities would cost as much as \$15 million a year, beginning in fiscal year 2000. Because most other provisions would codify current practice, CBO estimates that these provisions likely would result in no significant increase in discretionary costs. In addition, the bill could affect direct spending, but CBO estimates that any increase in such spending would not be significant.

Spending subject to appropriation.—For purposes of this estimate, CBO assumes that appropriations will be provided near the beginning of each fiscal year and will be sufficient to fund the activities authorized by the bill.

*Subsidizing Child Care Services for Federal Employees.* Under current law, agencies can provide space, utilities, furnishings, and equipment free of charge to providers of child care, but with the exception of the Department of Defense (DoD), they cannot pay any of the cost to operate the centers, such as salaries of the centers' employees. Providers recover these costs through fees. H.R. 4280 would allow agencies to pay a portion of the providers' operating costs, thus enabling the centers to reduce the fees charged to lower-income federal employees.

Based on data from the General Services Administration (GSA), CBO estimates that civilian employees spend around \$60 million a year in fees to providers operating centers in federal facilities. DoD subsidizes approximately one-half of the cost of the care provided in its facilities. Although considerable uncertainty exists as to how civilian agencies would use this authority, based on information provided by GSA and the Office of Personnel Management, CBO experts that other agencies would subsidize no more than 25 percent of their employees' fees. Thus, beginning in fiscal year 2000, CBO estimates that H.R. 4280 would increase annual costs by as much as \$15 million, subject to the availability of appropriated funds.

*Regulating Child Care Provided in Federal Facilities.* H.R. 4280 also would regulate the provision of child care in federal facilities and would authorize the appropriation of \$900,000 in 1999 to develop rules and bring facilities into compliance with the new standards. For example, the bill would require that child care centers in or sponsored by civilian agencies comply with state and local licensing requirements, standards established by GSA, and private accreditation standards. GSA would be responsible for inspecting the facilities and ensuring compliance. In addition, the bill would establish an interagency council to develop and coordinate federal policy.

Because the provisions largely would codify current practice, CBO estimates that they would have no significant impact on annual federal costs beyond those incurred in 1999. For instance, GSA already inspects its centers each year for health and safety and requires that providers of care achieve accreditation. In addition, although not required by the bill, federal agencies may opt to obtain state or local licenses for the centers, but CBO estimates that the cost of such licenses would be negligible. Likewise, we estimate that the increase in costs for the interagency council would be minimal.

*Authorizing Alternative Methods for Providing Child Care in Federal Facilities.* H.R. 4280 would authorize alternative methods for providing child care in federal facilities. It would authorize GSA to enter into public-private partnerships with nongovernmental entities, authorize all agencies to enter into agreements with private entities to share a center's operating expenses, and would authorize GSA to waive the requirement that a center give priority to children of federal employees. Any payments from the private entities would be to the private care providers and not to the federal government. The bill also would authorize federal agencies to conduct pilot projects. CBO estimates that implementing these provisions would increase costs at agencies to administer any agreements and to conduct the pilot projects, but that the annual costs would not be significant.

*Other Provisions.* The bill would authorize agencies to reimburse employees of child care centers for the costs of attending child care conferences, meetings, and training programs. In addition, for centers in federal facilities, it would require that children of federal employees represent at least 50 percent of aggregate enrollment, that agencies perform a background check on the criminal history of all workers, and that reasonable accommodations be provided for

mothers who breast-feed their infants. CBO estimates that these provisions would not significantly increase costs to federal agencies with day care centers.

Currently, agencies have the authority to reimburse employees of child care centers for the cost of attending GSA's annual child care conference. H.R. 4280 would extend this authority to other conferences, meetings, and training programs. CBO estimates that the provision would increase annual costs by less than \$500,000.

Under current law, children of federal employees must represent at least 50 percent of the children enrolled at individual centers. H.R. 4280 would apply the percentage to aggregate enrollment instead of to each center, but each individual center would be required to have a plan to meet the 50-percent goal. Because civilian agencies neither pay for the cost of operating the centers nor receive any payment from private operators for the use of these facilities, CBO estimates that this provision would have no significant impact on federal spending. The bill could result in a minor increase in costs for GSA to monitor and ensure compliance with the provision.

According to GSA, agencies already perform background checks on the criminal history of employees working in federal centers. Additionally, GSA requires that its centers provide a lactation area for breast-fed infants and their mothers. Thus, CBO estimates that these two provisions would have no significant impact on federal costs.

**Direct Spending.**—H.R. 4280 could affect direct spending if, in carrying out private-public partnerships, the federal government would either continue to use or lease at a discounted rent surplus federal property that it otherwise would sell under current law. For instance, the Department of Veterans Affairs (VA), which has the authority to pursue public-private partnerships through its "enhanced-use" leasing authority, currently is leasing some of its property to operators of child care centers at a nominal rent in return for discounted child care for its employees. While it is uncertain how GSA would use the authority, including whether H.R., 4280 would allow GSA to enter into partnerships similar to the VA lease arrangements, CBO estimates that the amount of any potential foregone receipts would be less than \$500,000 annually.

**Pay-As-You-Go Considerations:** The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 4280 could affect direct spending, but CBO estimates that any increase in such spending would not be significant.

**Intergovernmental and private-sector impact:** H.R. 4280 contains no intergovernmental or private-sector mandates as defined in UMRA and would not have any significant effects on the budgets of state, local, or tribal governments.

Estimate prepared by: John R. Righter.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

## IX. SPECIFIC CONSTITUTIONAL AUTHORITY FOR THIS LEGISLATION

Clauses 1 and 18 of Article I, Sec. 8 of the Constitution grant Congress the power to enact this law.

# X. COMMITTEE RECOMMENDATION

On July 23, 1998, a quorum being present, the Committee ordered the bill favorably reported as amended.

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT—ROLLCALL

Date: July 23, 1998.

Amendment No. 1.

Description: An amendment requiring all federal child care centers to comply with state and local health, fire, and safety codes, in addition to obtaining accreditation.

Offered by: Hon. Benjamin A. Gilman.

The amendment passed by voice vote.

Amendment No. 2.

Description: An amendment to the amendment requiring that all federal child care centers become free of lead paint.

Offered by: Hon. Henry A. Waxman.

The amendment passed by voice vote.

Final Passage of H.R. 4280, as amended.

Offered by: Hon. Constance A. Morella

Adopted by voice vote.

## XI. CONGRESSIONAL ACCOUNTABILITY ACT: PUBLIC LAW 104-1; SECTION 102(b)(3)

H.R. 4280 addresses standards and compliance with standards for legislative branch child care programs.

## XII. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104-4; SECTION 423

H.R. 4280 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not have any significant effects on the budgets of state, local, or tribal governments.

## XIII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION 5(b)

The Committee finds that H.R. 4280 does not establish or authorize establishment of an advisory committee within the definition of 5 U.S.C. App, Section 5(b).

## XIV. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## **SECTION 616 OF THE ACT OF DECEMBER 22, 1987**

JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1988, and for other purposes.

SEC. 616. (a) If any individual or entity which provides or proposes to provide child care services for Federal employees during

fiscal year 1988 or any fiscal year thereafter, applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such service, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

[(2) such officer or agency determines that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is employed by the Federal Government; and

[(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.]

*(2) such officer or agency determines that such space will be used to provide child care and related services to children of Federal employees or on-site Federal contractors, or dependent children who live with Federal employees or on-site Federal contractors; and*

*(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and on-site Federal contractors.*

(b)(1) \* \* \*

\* \* \* \* \*

[(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited by a nationally recognized early-childhood professional organization, and travel and per diem expenses for attendance by representatives of the center at the annual General Services Administration child care conference.]

*(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.*

\* \* \* \* \*

[(d) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may enter into a consortium with one or more private entities under which such private entities would assist in defraying the



costs associated with the salaries and benefits provided for any personnel providing services at such facility.】

*(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with one or more private entities under which such private entities would assist in defraying the general operating expenses of the child care provider including, but not limited to, salaries and tuition assistance programs at the facility.*

*(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the criteria of subsection (a), the agency or the Administrator may enter into an agreement with an existing non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.*

*(B) Prior to entering into an agreement, the head of the Federal agency must determine that child care services to be provided through the agreement are more cost effectively provided through this arrangement than through establishment of a Federal child care facility.*

*(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.*

*(3) This subsection does not apply to residential child care programs.*

*(e)(1) The Administrator of General Services must confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or on-site Federal contractors, or dependent children who live with Federal employees or on-site Federal contractors. Each provider of child care services at an individual Federal child care center shall maintain this percentage as a goal for enrollment at the center. If enrollment at a center drops below the goal, the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. This plan must be approved by the Administrator of General Services based on its compliance with standards established by the Administrator, and its effect on achieving the aggregate Federal enrollment percentage goal.*

*(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.*

*(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for up to 2 years to*

*test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination must be made by the agency head that initiating the pilot project would be more cost effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.*

*(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.*

*(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.*

*(g) All existing and newly hired workers in any child care center located in federally owned or leased facilities shall undergo a criminal history background check as defined in 42 U.S.C. 13401.*

